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ABSTRACT

During the past decade, debators have become more flexible in their affirmative analysis of the resolution. One case approach that an affirmative team may adopt is the utilities or no-needs need case in which they argue for the elimination of the status quo because it is unnecessary or restrictive or both. This paper examines: (1) the four standard requirements of a prima facie case dealing with propositions of policy (i.e., presumption, evils, inherency, and solution); (2) some of the problems which may accompany the utilities case; and (3) the validity of the utilities case within the parameters established. The conclusion drawn from a discussion of these issues is that the utilities case does offer a valid approach for a resolution of discontinuance or a resolution of reduction, but two problems must be weighted by the affirmative team before adopting this approach: if the negative team can indicate some degree of disadvantage, the affirmative case for limited gain may be more easily defeated; and the affirmative team runs a risk with the judges who may not accept the theoretical validity of the utilities case. (TS)

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THE VALIDITY OF THE UTILITIES CASE

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During the past decade debaters have become more flexible in their affirmative analysis of the resolution. No longer is one expected to adhere strictly to a need, plan, benefits analysis. Debaters now speak in terms of advantages, observations, criteria, goals, etc. All of these varieties representing different affirmative case forms, however, must meet a basic set of criteria, that is, the case must be primia facie.

One case approach that an affirmative team may adopt is the utilities, or no-needs need case in which they argue for the elimination of the status quo because it is unnecessary or restrictive or both. The affirmative advocates elimination of the status quo and offers nothing to replace it. Craig Smith and David Hunsaker in The Bases of Argument define the utilities case or, as they call it, the inverted-needs case.

> In the inverted-needs case the element of a harmful problem which is serious and significant is missing. In effect, the advocate examines a present policy and finds that it is no longer needed, either because the problem which it was originally intended to solve no longer exists, or because conditions have changed so significantly that the policy is now irrelevant. This case structure rests upon an unstated value judgment: obsolete policies ought to be discarded.[1] (Emphasis author's)

The utility case approach is useful when the affirmative indicts the status quo because it is (a) unnecessary or (b) restrictive. The affirmative can show in two circumstances that the status quo is unnecessary or restrictive.

The first and purest form of the utility case may be used in debating a resolution of discontinuance which by the wording of the resolution allows the affirmative to advocate the elimination of the status quo. Such a resolution would be Resolved: That the United States should eliminate military aid to foreign countries or

Resolved: That the federal government should abolish all laws regarding the control of marijuana.

A second and subsequent form of the utility case would be with a resolution of partial discontinuance or a resolution of reduction. A utilities case could be constructed using a proposition such as Resolved: That the United States should substantially decrease its foreign policy commitments. The affirmative could call for U. S. withdrawal from NATO on the grounds that the NATO structure no longer serves a useful and vital defense function, i.e., NATO is useless. Implicit in this resolution is the advocacy of discontinuance of a policy but the affirmative does not totally eliminate the basic mechanism of philosophy which is the basis for the policy. For example, the United States, under the above resolution, would retain foreign policy commitments--those which serve a necessary function.

After defining the utilities case and its particular areas of application, the question logically arises, can it meet the basic requirements of a prima facie case? It will be the further purpose of this paper to (1) examine the four standard requirements of a prima facie case dealing with propositions of policy; these being: presumption, evils, inherency and solution; (2) demonstrate the validity of the utilities case within the parameters established; and (3) discuss some of the problems which may accompany the utilities case.

Presumption

Wayne Hoogestraat indicates that in a resolution of discontinuance the affirmative may simply call for the elimination of the status quo. Under these circumstances he further argues:

> . . . the rational which fixes the burden of proof no longer applies. Since the expenditure of time, effort, money, etc., is a part of the status quo, and the affirmative proposes cancelling that expenditure and advocates no new expenditure, the burden of proof must then be assigned to the negative. The negative must now justify continuance of expenditure (status quo) or else choose a counterplan in which case the burden of proof is also presumed to shift to the negative.[2] (Emphasis author's)

This analysis of presumption fails to explicitly consider the duty of the affirmative to show that the status quo serves no function and that its elimination would accrue no disadvantages. The burden of presumption is assumed by the affirmative because they initiate the dispute. As Gary Cronkhite explains:

> . . . the onus probandi accrues to the party who initiated the dispute, and that party, in initiating the dispute, automatically awards the presumption to the position he assails. The defining characteristic of the position awarded the presumption, then is that it must be that position initially attacked. "Occupation of the ground" or existence as the status quo is only a frequently accompanying characteristic accorded the presumption.[3]

Thus, according to Cronkhite's analysis of presumption, the affirmative must accept their initial burden of proof to present a prima facie case. The question then becomes can a utility case approach overcome presumption.

There are at least two strategies an affirmative analyst can utilize in building a utilities case which will overcome presumption. First, the affirmative can demonstrate that the status quo is useless. By way of example, it could be argued that United States military participation in NATO is useless because the situation(s) surrounding U.S.S.R., U.S., and European relationships have undergone profound changes since NATO's inception. (Europe can more adequately defend herself. Increased detente among the above parties has rendered war in Europe less likely. Increased Sino-Soviet conflicts have rendered war less likely. Consumer oriented changes in Soviet citizenry have rendered war less likely, etc., etc.)

If the affirmative can prove, for these or other good reasons, that U.S. involvement in NATO serves no useful purpose, then it is deleterious to American resources to continue the involvement. Pragmatically, the involvement is harmful and, if useless, "an evil," therefore, it should be curtailed and U.S. military participation in NATO must be stopped.

A second affirmative strategy is to prove that the status quo is unnecessarily restrictive in terms of a cost benefits, or on balance analysis. Thus, if an affirmative team could prove that the benefits of U.S. military involvement in NATO were N, but the costs of this involvement were significantly greater, this would be sufficient grounds for the curtailment of American military involvement in NATO. In terms of this type of affirmative analysis, the restriction per se is a significant and integral component of the cost factor. The extent and cost of the restriction can be developed either implicitly or explicitly but it must be present in the affirmative analysis.

Evils

The second basic requirement of a prima facie case dealing with a proposition of policy is that some form of evils or harms (i.e., the lack of an "advantage," the failure to meet a goal, etc.) must be demonstrated in the status quo. This assumption follows logically from the concept of presumption. An affirmative team shows evils or harms in the status quo as a means of meeting the burden of presumption. As one writer of a well-known debate text phrases it:

> The concept of presumption does not mean that the present policy is the best possible policy, or even that it is a good policy. It merely indicates that the established policy is the status quo: it is in effect, and it will continue in effect until changed--until someone presents good and sufficient reason for changing it.[4]

The "good and sufficient reason for changing" the status quo usually takes the form of evils or harms accrued by the current policies. The utilities case meets this requirement through two approaches.

First, the affirmative may show that the status quo is restrictive. In keeping with some author's value systems, a restriction is stipulatively an evil. Richard Whately, for example, stated this when writing:

> . . . every Restriction is in itself an evil; and therefore there is a Presumption in favor of its removel, unless it can be shown unnecessary for prevention of some greater evil: I am not bound to allege any specific inconvenience: if the restriction is unnecessary, that is reason enough for its abolition; its defenders therefore are fairly called on to prove its necessity.[5] (Emphasis author's)

Thus, under this value system if an affirmative team establishes that wiretapping restricts the guaranteed rights of the private citizen, they have shown the existence of an evil and then the affirmative can then call for the elimination of this restriction. Therefore, by delineating a restriction the affirmative team theoretically establishes an evil--a good and sufficient reason for change.

A second means of establishing the evils or reason for change is to show that the status quo is unnecessary. As Robert Newman writes, ". . . where an advocate seeks to have a certain policy eliminated, it is sufficient to show that it accomplishes nothing."[6] If a policy accomplishes nothing, it is wasteful. If one accepts the value judgment that waste is not desirable, a judgment to which a world wide food and fuel shortage gives increasing credence, then when the affirmative team shows that the status quo is unnecessary, they have established a good and sufficient reason for change.

Inherency

Inherency requires the affirmative team to establish that the evils are caused by or related causally to the status quo. Ronald Reid describes inherency thusly:

> The task of analyzing inherency is not too easy: the basic process is one of (1) determining precisely which phase(s) of the status quo the debate proposition proposes to change and (2) determining whether the existing problems are caused by, or at least related to those specific phases of the status quo. Only if the problems are in some way a result of the basic features of the status quo which the resolution will change can the problem be considered inherent.[7]

Some debate coaches and writers argue that to require an affirmative team to demonstrate inherency is unnecessarily restrictive.[8] Robert Newman reduces the question to its simplest elements when he writes:

> The true burden of proof carried by every affirmative whether arguing for adoption of a new constructive policy or merely advocating rejection of a policy presently in force, is this: he who asserts must prove. His proof may be causal reasoning or it may not. He may show a substantive evil in the status quo, or he may merely show that the status quo fails to meet its designated goal. He may show a really significant problem to be solved if the policy he is combating is deeply entrenched and partially successful, or he may merely show that the status quo is useless. His prima facie case can consist of any good reason why his proposition should be adopted, and then he must defend that case.[9]

If the concept of a sound non-inherent affirmative case were to be universally accepted, it would increase the theoretical tenability of the utilities case. However, regardless of this acceptability, the utilities case can meet the inherency requirement when one uses a goals analysis of the status quo. The utilities case determines the goals of the status quo and then deliberates on the merits of that goal. If the goal is outmoded, then any status quo mechanisms to achieve that outmoded goal are useless. One could argue that since the communist countries pose no military threat to the western hemisphere, a defensive structure such as NATO is not needed.

The affirmative could argue for the elimination of the policy because the goal is undesirable as could be done when debating the discontinuance of military aid. One could argue that military aid fosters militaristic attitudes, further involves the U.S. in local wars, decreases economic development of countries because it distorts priorities, etc. Each of these indictments argues that a goal of U.S. foreign policy should not be to develop foreign countries militarily.

Thus, the utilities case can develop a justification argument based on rejection of the goal and the implementing status quo mechanisms. One may argue that this analysis does not demonstrate inherency because the indictment is directed toward the goal and not toward the machinery of the system. On the contrary, this case approach does not free the affirmative from proving causal relationships, for, as Newman demands--he who asserts must prove. Using the foreign aid example, once again, the argument that military aid deters the economic development of foreign countries implies a causal relationship which the affirmative must prove.

However, in some utilities cases there may be no requirement to prove causality, just a requirement to prove the assertion that the status quo is useless or or obsolete. In these instances, one could contend that proving causality is unnecessary. One writer, Patrick Marsh, argues that causal reasoning is in a state of confusion among theorists and to require a debater to show causal relationships ". . . cannot help but lead to superficial treatment of causality. This seems unwise especially since isolation of a cause is usually unnecessary."[10]

Thus, the utilities case can meet the inherency requirement by either (1) establishing causal relationships or (2) establishing the undesirability of a goal of the status quo.

Plan

The proposed solution for a prima facie case must represent a significant change from the status quo. Obviously, a proposal which calls for the elimination or significant curtailment of the present system represents a significant change. Even Arthur Kruger establishes that a policy change does not have to involve a positive action. He states:

> Though we usually think of a settled course as involving some action, i.e., as something positive, there is no reason why it may not involve inaction, or be something negative. Take the case of a man who is stuck on a mountain crag. What courses are open to him? Should he try to climb to the top or try to descend? These two courses, it is true, would involve some action. However, he may decide that since these courses are too dangerous, he would be better off doing nothing but wait for a rescue team. Thus his policy--a settled course or deliberate decision--becomes one of do-nothing-but-wait. And who is to say that this absence or lack of action is not just as much a policy as some positive action.[11]

As Kruger points out, no action is a settled course of action and is quite different from continuing policies of the status quo.

Conclusion

The utilities case does offer a valid case approach for a resolution of discontinuance or a resolution of reduction. However, two problems must be weighed by the affirmative before adopting this approach.

A weakness for the affirmative is in advocating a position of limited positive gains in exchange for negative disadvantage. If the negative team can indicate some degree of disadvantage, the affirmative case for limited gain may be more easily defeated.

An affirmative team runs a second risk with the judges who may not accept accept the theoretical validity of the utilities case. An affirmative team is at a

serious disadvantage if they must defend the theoretical basis of their case and present that case and defend it. The barrier in the mind of the judge may be the largest obstacle for the affirmative to overcome.

FOOTNOTES

[1]Craig R. Smith and David M. Hunsaker, The Bases of Argument, Ideas in Conflict (New York: Bobbs-Merrill Series in Speech Communication, 1972), p. 136.

[2]Wayne E. Hoogestraat, "Burden of Proof in Resolutions of Discontinuance," Central States Speech Journal, XXI (Fall, 1970), 200.

[3]Gary Cronkhite, "The Locus of Presumption," Central States Speech Journal, SVII (November 1968), 273.

[4]Austin J. Freely, Argumentation and Debate, Rational Decision Making (2nd ed.; Belmont, California: Wadsworth Publishing Co, Inc., 1969), p. 31.

[5]Richard Whately, Elements of Rhetoric ed. by Douglas Ehninger (4th ed.; Carbondale: Southern Illinois University Press, 1963), p. 31.

[6]Robert P. Newman, "The Inherent and Compelling Need," The Journal of The American Forensic Association, II (May, 1965), 70.

[7]Ronald F. Reid, "Analysis of the Proposition," in Argumentation and Debate, Principles and Practices, ed. by James H. McBath (New York: Holt, Rinehart and Winston, Inc., 1963), p. 61.

[8]For example, see: Patrick O. Marsh, "Is Debate Merely a Game for Conservative Players?," Speaker and Gavel, I (January, 1964). Newman. L. Dean Fadely, "The Validity of the Comparative Advantages Case," The Journal of The American Forensic Association, IV (Winter, 1967). F. Michael Smith, "The 'Sufficient' Contention," Georgia Speech Journal, I (Spring, 1970).

[9]Newman, 71.

[10]Marsh, 50.

[11]Arthur N. Kruger, "The Underlying Assumptions of Policy Questions. II. Indictment of the Status Quo," Speaker and Gavel II (January, 1965), 60.